Ceasefire Agreement

***Prelims**: Current events of national and international importance| Security Issues*

Why in News?

Recently, India and Pakistan have agreed to a ceasefire after the military escalations last week.

- **A ceasefire** – While there is *no official definition* of a ceasefire, Sydney D Bailey, describes it as "***suspension of acts of violence by military and paramilitary forces***, usually resulting from the intervention of a third party."
- It is an agreement between nations involved in a conflict that seeks **to *regulate the termination of all military activity*** "for a given length of time in a given area.
- They also "do *not reflect a juridical end to the state of war*.
- It can either be formally documented, or agreed upon orally.

> *The terms 'truce,' 'armistice,' and 'peace treaties' were used distinctively prior to the introduction of the United Nations Charter in 1945. However, the flexible use of the term 'ceasefire' by the UN itself and the collapse of the pre-Charter concepts led to the use of these terms interchangeably.*

Ceasefire Agreement
• **Timing of commencement** - It specifies the timing (date and hour) when the ceasefire came into force. • **Identification and definition of prohibited acts** - It may identify 2 types of prohibited acts - Military (which includes all acts of military violence) - Non-military (such as threats of violence or even propaganda) • **Physical separation of armed forces** - Separation is used to "maintain the ceasefire and to prevent the potential for renewed military action." • **Verification, supervision, and monitoring -** This can be achieved *through UN peacekeeping supervision*, joint monitoring commissions or ceasefire commissions, joint commands, and civilian monitoring missions. • Besides these important terms, it also includes "repatriation of prisoners of war; return of missing — internally displaced persons and refugees; restitution and compensation of claims;" among other measures.

- **Regulation -** A ceasefire in itself or a breach of a ceasefire *does not have any legal consequences* as the agreements are seen as a first step between conflict and peace.

> *In times of conflict, humanitarian law remains concerned, mostly, with regulation*

of the "use of violence and the protection of civilians."

Remedies for a breach of a ceasefire

- They are detailed in the *Regulations Respecting the Law and Customs of War on Land*, also called the ***Hague Regulations***, that were formulated in 1910.
- Article 36 of the Hague Regulations says that if an armistice or a ceasefire does not define its duration, then "the belligerent parties may resume operations at any time, provided that the enemy is warned within the time agreed upon."
- Article 40 says that , a serious breach of a truce by one of the involved parties gives the other a right to denounce it, and in urgent cases, to recommence hostilities immediately.
- Article 41 states that a violation of the ceasefire terms by "private persons acting on their own initiative" authorises the "injured party to demand the punishment of the offenders or, if necessary, compensation for the losses sustained."

Reference

The Indian Express| Concept of Ceasefire Agreement

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